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REMARKS

Claims 1-34 are pending in the present Application. No claims have been amended or canceled. The claims have been presented here for the convenience of the Examiner. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Rejections Under the Judicially Created Doctrine of Obviousness-type Double Patenting

Claims 1-34 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over co-pending Application No. 10/063,336 ('336). Applicants respectfully traverse this rejection.

In making the rejection the Examiner has asserted that it would have been obvious to one of ordinary skill in the art to omit the polyolefin that is disclosed and claimed in '336 because the omission of an element and loss of its function is obvious. Applicants respectfully assert that while the application of this logic is certainly appropriate in some cases it is not appropriate in all cases and, in particular, this case.

'336 is directed to a composition having a balance of stiffness and impact strength as well as reduced property variability (paragraph 16). The problem of property variability is addressed, at least in part, by the choice of a hydrogenated block copolymer having a desired degree of pendant and in-chain aliphatic unsaturation. '336 does not teach or suggest that polyolefin is an optional component nor does '336 discuss anything with regard to delamination.

The instant application is directed toward solving an issue with regard to delamination when injection molding blends containing poly(arylene ether) and saturated impact modifiers. Applicants fail to understand how the omission of polyolefin from the composition of '336 would result in the solution of the delamination problem seen in poly(arylene ether) compositions containing a saturated impact modifier. The Examiner's rejection implies that it is the removal of polyolefin from the blend that solves the problem of delamination whereas that is not the case. It is the use of a hydrogenated block copolymer that has up to about 20 percent residual pendant aliphatic unsaturation and at least about 30 percent residual in-chain

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aliphatic unsaturation that solves the problem. This is a solution that is not suggested by '336. Accordingly, Applicants believe that '336 does not render the instant application obvious.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance are requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 07-0862.

Respectfully submitted,

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